

AMENDED IN ASSEMBLY APRIL 21, 2016

AMENDED IN ASSEMBLY APRIL 11, 2016

AMENDED IN ASSEMBLY MARCH 16, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 1719**

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**Introduced by Assembly Member Rodriguez**  
**(Coauthors: Assembly Members Cooley, Kim, Maienschein, Mathis,**  
**Mayes, O'Donnell, and Waldron)**  
**(Coauthor: Senator Anderson)**

January 27, 2016

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An act to amend Section 1714.2 of the Civil Code, and to amend Section 51202 of, and to add Section 51225.6 to, the Education Code, relating to pupil instruction.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1719, as amended, Rodriguez. Pupil instruction: cardiopulmonary resuscitation.

(1) Existing law authorizes a school district or school to provide a comprehensive program in first aid or cardiopulmonary resuscitation training, or both, to pupils and employees in accordance with specified guidelines. ~~Existing law establishes a list of courses that a pupil in a school district is required to complete in grades 9 to 12, inclusive, in order to receive a diploma of graduation from high school. Existing law requires the adopted course of study for grades 7 to 12, inclusive, to include courses in specified areas of study.~~

This bill would require, commencing with the 2018–19 school year, the governing board of a school district, and the governing body of a charter school, offering instruction to pupils in grades 9 to 12, inclusive,

to provide instruction—~~on~~ *in* performing *compression-only* cardiopulmonary resuscitation as part of a course required to be offered, as provided. The bill would encourage those entities to provide to pupils general information on the use and importance of an automated external defibrillator. The bill would require the State Department of Education to provide guidance on how to implement these provisions, including, but not limited to, who may provide instruction. The bill would also make conforming changes to a related code section. By imposing additional requirements on school districts and charter schools, the bill would impose a state-mandated local program.

(2) *Existing law provides that no local agency, entity of state or local government, or other public or private organization that sponsors, authorizes, supports, finances, or supervises the training of citizens in cardiopulmonary resuscitation shall be liable for any civil damages alleged to result from such training programs.*

~~(2) Existing~~

*Existing law provides that no person who is certified to instruct in cardiopulmonary resuscitation by either the American Heart Association or the American Red Cross shall be liable for any civil damages alleged to result from the acts or omissions of an individual who received instruction on cardiopulmonary resuscitation by that certified instructor.*

*This bill would provide that ~~no a local agency, entity of state or local government, or other public or private organization that sponsors, authorizes, supports, finances, or supervises, and a public school teacher~~ employee who ~~instructs~~ provides or facilitates, the instruction of pupils in *compression-only* cardiopulmonary resuscitation using an instructional program based on national evidence-based emergency cardiovascular care guidelines for the performance of cardiopulmonary resuscitation or the use of an automated external defibrillator pursuant to the bill shall not be liable for any civil damages alleged to result from the acts or omissions of ~~a pupil an individual~~ who received ~~instruction on cardiopulmonary resuscitation by that teacher~~. such instruction.*

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 1714.2 of the Civil Code is amended to~~  
2     ~~read:~~

3     ~~1714.2. (a) In order to encourage citizens to participate in~~  
4     ~~emergency medical services training programs and to render~~  
5     ~~emergency medical services to fellow citizens, no person who has~~  
6     ~~completed a basic cardiopulmonary resuscitation course that~~  
7     ~~complies with the standards adopted by the American Heart~~  
8     ~~Association or the American Red Cross for cardiopulmonary~~  
9     ~~resuscitation and emergency cardiac care, and who, in good faith,~~  
10    ~~renders emergency cardiopulmonary resuscitation at the scene of~~  
11    ~~an emergency shall be liable for any civil damages as a result of~~  
12    ~~any acts or omissions by such person rendering the emergency~~  
13    ~~care.~~

14    ~~(b) This section shall not be construed to grant immunity from~~  
15    ~~civil damages to any person whose conduct in rendering such~~  
16    ~~emergency care constitutes gross negligence.~~

17    ~~(c) In order to encourage local agencies and other organizations~~  
18    ~~to train citizens in cardiopulmonary resuscitation techniques, no~~  
19    ~~local agency, entity of state or local government, or other public~~  
20    ~~or private organization that sponsors, authorizes, supports, finances,~~  
21    ~~or supervises the training of citizens in cardiopulmonary~~  
22    ~~resuscitation shall be liable for any civil damages alleged to result~~  
23    ~~from such training programs.~~

24    ~~(d) (1) In order to encourage qualified individuals to instruct~~  
25    ~~citizens in cardiopulmonary resuscitation, no person who is~~  
26    ~~certified to instruct in cardiopulmonary resuscitation by either the~~  
27    ~~American Heart Association or the American Red Cross shall be~~  
28    ~~liable for any civil damages alleged to result from the acts or~~  
29    ~~omissions of an individual who received instruction on~~  
30    ~~cardiopulmonary resuscitation by that certified instructor.~~

31    ~~(2) (A) No public school teacher who instructs pupils in~~  
32    ~~cardiopulmonary resuscitation using an instructional program~~  
33    ~~based on national evidence-based emergency cardiovascular care~~  
34    ~~guidelines for the performance of cardiopulmonary resuscitation,~~  
35    ~~such as the guidelines developed by the American Heart~~

~~Association or the American Red Cross, shall be liable for any civil damages alleged to result from the acts or omissions of a pupil who received instruction on cardiopulmonary resuscitation by that teacher.~~

~~(B) For purposes of this paragraph, “public school” means a county office of education, school district, state special school, or charter school.~~

~~(e) This section shall not be construed to grant immunity from civil damages to any person who renders such emergency care to an individual with the expectation of receiving compensation from the individual for providing the emergency care.~~

~~SEC. 2.~~

~~SECTION 1.~~ Section 51202 of the Education Code is amended to read:

51202. The adopted course of study shall provide instruction at the appropriate elementary and secondary grade levels and subject areas in personal and public safety and accident prevention, including emergency first aid instruction, instruction in hemorrhage control, treatment for poisoning, resuscitation techniques, and cardiopulmonary resuscitation when appropriate equipment is available or when instruction is required pursuant to Section 51225.6; fire prevention; the protection and conservation of resources, including the necessity for the protection of our environment; and health, including venereal disease and the effects of alcohol, narcotics, drugs, and tobacco upon the human body. The health instruction may include prenatal care for pregnant women and violence as a public health issue.

~~SEC. 3.~~

~~SEC. 2.~~ Section 51225.6 is added to the Education Code, to read:

51225.6. (a) Commencing with the 2018–19 school year, the governing board of a school district, and the governing body of a charter school, offering instruction to pupils in grades 9 to 12, inclusive, shall provide instruction in performing *compression-only* cardiopulmonary resuscitation (CPR) as part of a course offered in any of grades 9 to 12, inclusive, that is required pursuant to this article. ~~This instruction may consist solely of instruction in compression-only CPR and~~ shall include both of the following:

(1) An instructional program based on national evidence-based emergency cardiovascular care guidelines for the performance of

1 *compression-only* CPR, such as those developed by the American  
2 Heart Association or the American Red Cross.

3 (2) ~~Training for Instruction~~ to pupils relative to the psychomotor  
4 skills necessary to perform *compression-only* CPR. For purposes  
5 of this paragraph, “psychomotor skills” means skills that pupils  
6 are required to perform as hands-on practice to support cognitive  
7 learning.

8 (b) Before the commencement of the 2017–18 school year, the  
9 department shall provide guidance on how to implement this  
10 section, including, but not limited to, who may provide instruction  
11 pursuant to this section. ~~The department may consider an individual~~  
12 ~~in any of the following categories to provide instruction:~~

13 ~~(1) A health care provider licensed pursuant to Division 2~~  
14 ~~(commencing with Section 500) of the Business and Professions~~  
15 ~~Code, the Osteopathic Initiative Act, as set forth in Chapter 8~~  
16 ~~(commencing with Section 3600) of Division 2 of the Business~~  
17 ~~and Professions Code, or the Chiropractic Initiative Act, as set~~  
18 ~~forth in Chapter 2 (commencing with Section 1000) of Division~~  
19 ~~2 of the Business and Professions Code.~~

20 ~~(2) A person certified pursuant to the Emergency Medical~~  
21 ~~Services System and the Prehospital Emergency Medical Care~~  
22 ~~Personnel Act (Division 2.5 (commencing with Section 1797) of~~  
23 ~~the Health and Safety Code).~~

24 ~~(3) A peace officer, as defined in Section 830 of the Penal Code.~~

25 ~~(4) A firefighter, defined as any regularly employed and paid~~  
26 ~~officer, employee, or member of a fire department or fire protection~~  
27 ~~or firefighting agency of the State of California, a city, a county,~~  
28 ~~a city and county, a district, or other public or municipal~~  
29 ~~corporation or political subdivision of this state or member of an~~  
30 ~~emergency reserve unit of a volunteer fire department or fire~~  
31 ~~protection district.~~

32 ~~(5) A teacher.~~

33 ~~(6) An instructor certified to teach CPR by the American Red~~  
34 ~~Cross or the American Heart Association, or an instructor certified~~  
35 ~~to teach an instructional program that is nationally recognized and~~  
36 ~~based on national evidence-based emergency cardiovascular care~~  
37 ~~guidelines for the performance of CPR.~~

38 ~~(7) Any other provider of instruction in performing CPR, as~~  
39 ~~determined by the department.~~

(c) The governing board of a school district or the governing body of a charter school is encouraged to provide to pupils general information on the use and importance of an automated external defibrillator (AED). The physical presence of an AED in the classroom is not required.

(d) The governing board of a school district or the governing body of a charter school may adopt policies to implement this section.

(e) (1) The governing board of a school district or the governing body of a charter school providing instruction in performing *compression-only* CPR or information on the use of an AED pursuant to this section is encouraged to use the most cost-effective means possible to implement that requirement.

(2) This section shall not be construed to require the governing board of a school district or the governing body of a charter school to make any purchases, including, but not limited to, purchasing an AED.

~~(f) An entity providing, or overseeing the provision of, instruction in performing CPR or information on the use of an AED pursuant to this section may be exempt from civil liability, as applicable and except as specified, pursuant to Section 1714.2 or 1714.21 of the Civil Code, respectively.~~

*(f) (1) A local agency, entity of state or local government, or other public or private organization that sponsors, authorizes, supports, finances, or supervises the instruction of pupils in compression-only CPR or the use of an AED pursuant to this section shall not be liable for any civil damages alleged to result from the acts or omissions of an individual who received such instruction.*

*(2) A public employee who provides or facilitates the instruction of pupils in compression-only CPR or the use of an AED pursuant to this section shall not be liable for any civil damages alleged to result from the acts or omissions of an individual who received such instruction.*

*(3) This subdivision shall not be construed to grant immunity from civil damages to any person who provides or facilitates the instruction of pupils in compression-only CPR or the use of an AED in a manner that constitutes gross negligence or willful or wanton misconduct.*

1     ~~SEC. 4.~~

2     *SEC. 3.* If the Commission on State Mandates determines that  
3 this act contains costs mandated by the state, reimbursement to  
4 local agencies and school districts for those costs shall be made  
5 pursuant to Part 7 (commencing with Section 17500) of Division  
6 4 of Title 2 of the Government Code.

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